

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2199.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: December 14, 2004
DATE OF REPORT: January 11, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: April 8, 2005

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide speech/language services weekly, as required by the IEP;

511 IAC 7-26-2(d) by failing to provide specialized training in autism spectrum disorder(s) to paraprofessional staff serving early childhood students; and

511 IAC 7-27-7(a) by failing to implement students' IEPs as written, specifically by canceling early childhood classes in order to clean classrooms and equipment.

During the course of the investigation, a change was made to the second issue. The issue was deleted and replaced with one identified by the Complainants, as follows:

511 IAC 7-21-2(c) by failing to provide pre-service and in-service training to paraprofessionals assigned to work with the Student.

FINDINGS OF FACT:

1. The Student has been identified as having a communication disorder and has been determined eligible for special education and related services.
2. The Student's individualized education program (IEP) that was developed on June 3, 2004 (Current IEP), requires the School to provide speech/language services, including consultation, direct services, and integrative services, for 20 minutes per week.
3. The Student attends early childhood classes on Tuesdays and Thursdays, with the speech/language pathologist (SLP) scheduled to provide direct services on Thursdays. There were 14 Thursdays when school was in session, from August 26, 2004, until the date the complaint was filed. The Student was absent on one of them. Direct services were provided by the SLP on eight of the 13 available dates, in addition to consultation during the first half of the school year.
4. Prior to the beginning of the 2004-2005 school year, all paraprofessionals received instruction on procedures, including the role of the paraprofessional, the specific skills necessary to carry out assigned responsibilities, information on the specific special needs and characteristics of students with whom they were to work, and information on other procedures, including information about

confidentiality. There are two paraprofessionals who work with the Student, both of whom received the instruction.

5. In addition to receiving ongoing consultation from teachers and therapists, Paraprofessional A participated in a Reading Recovery workshop during the 1998-1999 school year, an autism training workshop in February 2002, and an instructional assistant meeting on supports and accommodations for students with disabilities in August 2002. In addition to consultation received in occupational therapy, Paraprofessional B participated in a behavior management workshop in April 2004.
6. The Student's Current IEP calls for the Student to attend early childhood instruction two days per week. The Student attends on Tuesdays and Thursdays. No early childhood classes were held on Thursday, December 16, 2004.
7. The School provided an early childhood calendar to parents at student registration in August 2004. The early childhood calendar states, "In general, preschool classes follow the enclosed calendar established for" the "School Corporation," and lists exceptions to the School Corporation calendar. These exceptions include a start date of August 26, 2004, and "no preschool classes" on specific dates, including December 16 and 17, 2004, and January 3, 2005.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the School failed to provide speech/language services weekly as required by the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #4 and #5 indicate that the School did not fail to document that it provided pre-service and in-service training to paraprofessionals assigned to work with the Student. Therefore, a violation of 511 IAC 7-26-2(d) is not found.
3. Findings of Fact #6 and #7 do not indicate that the School failed to implement the Student's IEP as written. Finding of Fact #7 indicates that the Complainant was notified before the first instructional day of the 2004-2005 school year regarding the early childhood calendar, including the dates on which early childhood classes would not be held. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Jay School Corporation shall:

1. Convene the Student's case conference committee (CCC) to determine whether, as a result of the Student not receiving direct speech/language services during each week of service, the Student needs compensatory services to assist in achieving the growth projected in annual IEP goals. If the CCC determines that compensatory services are needed, the CCC shall determine the amount of services, including the length and frequency of those services.

Documentation of compliance (consisting of the CCC Report) shall be submitted to the Division by February 25, 2005.